

STATE OF HAWAII
REQUEST FOR EXEMPTION FROM CHAPTER 103D, HRS

TO: Chief Procurement Officer

STATE PROCUREMENT OFFICE
STATE OF HAWAII
ADMINISTRATION
STATE PROCUREMENT OFFICE
STATE OF HAWAII

FROM: DLNR/Division of Forestry & Wildlife
(Department/Division/Agency)

Pursuant to § 103D-102(b)(5), HRS, and Chapter 3-120, HAR, the Department requests a procurement exemption to purchase the following:

Description of goods, services, or construction: Provide expert services to the State of Hawaii for the redesign, repair, and relining of Lake House Reservoir at Puu Waawaa Ranch including the design, permitting, administration and construction of project. This facility is the centerpiece of the water supply to this dryland forest area, part of the small fraction remaining of the most threatened natural ecosystems in Hawaii. The main purposes of the project are to restore the water catchment capacity of the reservoir with a design that makes water available through the outlet pipes. Enhanced water catchment, storage and availability will provide for wildland fire control, game habitat restoration, and water for wildlife. In particular, the redesign will create habitat for waterfowl, and will help attract and support the presence of the endangered nene and Hawaii stilt. Preliminary survey work and soils investigation has been completed by the Natural Resources Conservation Service. Duties will include completion of the engineering design, development of final plans and specifications, construction (via an administered competitive bid); and oversight, coordination and supervision of all aspects of construction. Highly specialized design is required to allow endangered species access to water and resting areas without exposing birds to predators.

Name of Vendor: <u>Ducks Unlimited</u>	I Cost: I I \$200,000	I Term of Contract: I From: <u>September 1, 2003</u> I To: <u>June 30, 2004</u>
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Explanation describing how procurement by competitive means is either not practicable or not advantageous to the State:

Ducks Unlimited is an international organization that manages and restores wetlands. In addition, one of DU's specialties is wetlands habitat creation and maintenance for endangered species. Their mainland biologists and those in Hawaii possess specialized knowledge and management expertise that is not available elsewhere in the state. DU's track record and ongoing involvement in similar projects, and their other agreements with the US Fish and Wildlife Service make them particularly appropriate for the contracting, construction and oversight of a cornerstone piece of management of a highly visible and sensitive project such as the Puu Waawaa area. The Division of Forestry and Wildlife is requesting that Ducks Unlimited, Inc. provide the service to plan, design, obtain permits, issue and oversee the construction contract because the Division does not have staff with the expertise to redesign and oversee repairs to a multipurpose reservoir. The improvements must meet the needs of water catchment and storage for fire control, general wildlife use, and also provide wetland habitat to function as breeding and foraging areas for endangered waterbirds.

Details of the process or procedure to be followed in selecting the vendor to ensure maximum fair and open competition are practicable:

N/A

A description of the agency's internal controls and approval requirements for the exempted procurement:

A proposal will be solicited from Ducks Unlimited, Inc. to provide the services for the project. The project proposal will be reviewed by DOFAW staff and Program Managers. The proposal will be forwarded to USFWS for review. A purchase order with the scope of work and vendor requirements will be written by Wildlife staff, and submitted to the Wildlife Program Manager, DOFAW Administrator, and Departmental Chair for review and approval. The purchase order will then go to the Department Fiscal Officer and the Department Chair for further review and final approval. Wildlife Staff will monitor project performance and assure compliance with scope of work.

A list of agency personnel, by position title, who will be involved in the approval process and administration of the contract:

Peter T. Young, Department Chair
Dennis Takahashi, Acting Department Fiscal Officer
Michael G. Buck, Administrator - Division of Forestry and Wildlife
Paul J. Conry, Wildlife Program Manager, Division of Forestry and Wildlife

Direct questions to:

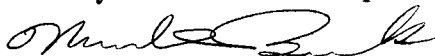
Paul J. Conry

I Phone Number:

587-4176

This exemption should be considered for list of exemptions attached to Chapter 3-120, HRS- Yes _____ No X

I certify that the information provided above is to the best of my knowledge, true and correct.



Michael G. Buck, Administrator, Div. Forestry and Wildlife

8/28/03

Department/Agency Head

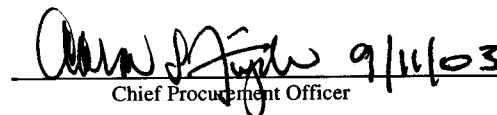
Date

Chief Procurement Officer's Comments:

Please ensure adherence to applicable administrative requirements.

____ Approved

X Denied

 9/11/03

Chief Procurement Officer

Date

cc: Administrator
State Procurement Office